IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE NINETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1735 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 13/10/2004 in WP NO : 18404 OF 2004 on the file of the High Court.)

Between:

K.V.V. Satyanarayana, S/o. Narasimha Murthy,
R/o. Teeparu (V), Peraveli (M), West Godavari District.

..... APPELLANT

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Industries and Commerce Department, Secretariat, Hyderabad.
2 The Director of Mines and Geology, B.R.K.R. Buildings, 8th Floor, Tank Bund Road,
Hyderabad.
3 The District Level Committee, Rep. by its Chairman, West Godavari District.
4 The District Panchayat Officer, West Godavari District,

at Eluru.
5 The Assistant Director of Mines & Geology, West Godavari District, at Eluru.

6 G. Ranga Rao, S/o. K. Kondayya,
R/o. Iragavaram (M), West Godavari District.

.....RESPONDENTS

Counsel for the Appellant : SMT.N.SHOBA

Counsel for the Respondent Nos. 1, 2 & 5: GP FOR MINES AND GEOLOGY

Counsel for the respondent Nos.3 & 4: G.P. for Panchayat Raj & Rural Development.

Counsel for the respondent No.6: None appeared.

The Court made the following :

ORAL JUDGMENT:

(per Hon'ble The Chief Justice)

…..

1. Learned single Judge, by the impugned order, while dismissing the writ petition of the appellant, made certain observations, by which learned counsel for the appellant appears to have felt aggrieved. The said remarks are:

> " Though no relief is claimed against respondents 1, 2 and 5, for obvious reasons, they are made as parties to the writ petition with a view to see that the matter is avoided before a particular Bench to whom the matters are assigned, against the order passed by the third respondent. It is nothing but choosing the forum, and such type of practice adopted by the learned counsel has to be deprecated by all concerned".

2. Insofar as challenge by the petitioner – appellant to the impugned proceedings dated 01.10.2004 and consequential auction notice is

concerned, petitioner – appellant having participated in the second auction and having remained unsuccessful, we do not find any infirmity in the impugned order passed by learned single Judge. However, the offending part of the observations in the order, which is challenged in this appeal, in our view, ought not to have been made inasmuch as no counter affidavit was filed by respondents, and writ petitioner – appellant had questioned the power of the authorities of premature determination of existing lease except for a public interest. May be that no relief was claimed against respondents 1, 2 and 5, but grievance made in the petition do make respondent No.1 as proper party to the writ petition. Moreover, no such grievance was made before the Court on behalf of the respondents that unnecessary parties had been impleaded with some ulterior motive. Learned single Judge appears to have influenced by the fact that since no relief is prayed for, therefore impleadment of respondents 1, 2 and 5 must have been made with some ulterior motive, for which observation there is no foundation on record. As such, we allow the writ appeal partly by ordering deletion of the offending paragraph, as quoted above, from the order of the learned singe Judge. No costs.

_____

DEVINDER GUPTA. C.J.,

_____

C.V. RAMULU. J.,

Dated: 09.11.2004.

VRK.

To

1 The Secretary to Government,
Industries and Commerce Department, Secretariat,
Hyderabad.

2 The Director of Mines and Geology, B.R.K.R. Buildings,
8th Floor, Tank Bund Road,
Hyderabad.
3 The Chairman, District Level Committee,
West Godavari District.
4 The District Panchayat Officer, West Godavari District,
at Eluru.
5 The Assistant Director of Mines & Geology, West
Godavari District, at Eluru.

6. Two CCs to G.P. for Mines & Geology, High Court Buildings, Hyderabad (OUT).

7. Two CCs to G.P. for Panchayat Raj & Rural Development, High Court Buildings, Hyderabad (OUT).

8. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.A.NO. 1735 OF 2004.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 09.11.2004.